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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,373	07/11/2001	Terry Lynn Cole	5500-58300	1646

7590

07/29/2004

B. Noel Kivlin
Conley, Rose, & Tayon, P.C.
P.O. Box 398
Austin, TX 78767

EXAMINER

MASON, DONNA K

ART UNIT

PAPER NUMBER

2111

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/904,373	Applicant(s) COLE ET AL.	
	Examiner Donna K. Mason	Art Unit 2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9,11-19,21,23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,11-19,21,23 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on April 26, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,671,748 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Objections

1. Claims 26 and 27 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Specifically, claim 26 refers to the "method as recited in claim 8" and Claim 27 refers to "The computer system as recited in claim 20". However, Applicant cancelled both claims 8 and 20. Therefore, each of claims 26 and 27 fail to further limit a previous claim. (It should be noted for examination purposes, that claims 26 and 27 have been interpreted as if they are dependent upon claims 1 and 14, respectively).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, 9, 11-19, 21, 23, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,012,103 to Sartore, et al. ("Sartore") in view of U.S. Patent No. 4,916,692 to Clarke, et al. ("Clarke").

With regard to claims 1, 3, 14, and 15, Sartore discloses a method including the steps of querying a peripheral bus (column 1, lines 55-66), determining the presence of a peripheral device (column 1, lines 55-60), and reading configuration information (columns 1 and 2, lines 66-67 to lines 1-3), where the reading is performed over a serial side bus, and the serial side bus is coupled to the host controller and the peripheral device (Fig. 2, item 60; column 2, lines 43-45 and column 4, lines 24-30). The steps of querying, determining, reading, and configuring are performed by a host controller coupled to the peripheral bus (column 1, lines 55-60). Furthermore, Sartore discloses that the peripheral bus is a serial bus (column 1, lines 39-40).

With regard to dependent claims 4-7 and 16-19, Sartore discloses the configuration information including "one or more" of the characteristics enumerated in claims 4 and 16, where the clocking information includes a determination of whether a peripheral clock is a master clock or a slave clock, where the configuration information is passed from the peripheral device to the host controller (column 2, lines 43-45 and column 4, lines 24-30). Sartore also discloses the host controller reading device identification information from the peripheral device, and obtaining additional configuration information from a lookup table (column 1, lines 66-67 to column 2, lines 1-3).

With regard to dependent claims 9 and 21, Sartore discloses storing the configuration information in a serial erasable programmable read-only memory (EPROM) (column 4, lines 21-23).

With regard to dependent claims 11-13, 23, and 25, Sartore discloses where the device identification information including includes identification and function of the peripheral device, and plug and play compatibility, and querying, determining, reading, and configuring additional peripheral devices coupled to the peripheral bus (column 2, lines 32-67 to column 3, lines 1-35).

Sartore does not expressly disclose the step of configuring the bus, where the configuring includes programming the peripheral device to use one or more timeslots, as recited in independent claims 1 and 14. Clarke discloses the step of configuring the bus, where the configuring includes programming the peripheral device to use one or more timeslots (column 1, lines 47-68 to column 2, lines 1-39). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the step of configuring a bus in Clarke with Sartore. The suggestion or motivation for doing so would have been to optimize versatility and speed in communications over the bus (column 1, lines 11-13).

With regard to dependent claims 26 and 27, Sartore discloses that Universal Serial Bus (USB) (Fig. 2, item 60) functions as both a peripheral bus and a serial side bus. Sartore does not expressly disclose that the method or computer system where the serial side bus is separate from the peripheral bus. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a separate

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serial side bus and peripheral bus. The suggestion or motivation for doing so would have been to make the functions separable, so as to reduce bus congestion on a single bus. (See, generally *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is “press fitted” and therefore not manually removable. The court held that “if it were considered desirable for any reason to obtain access to the end of [the prior art’s] holder to which the cap is applied, it would be obvious to make the cap removable for that purpose.”))

Therefore, it would have been obvious to combine Clarke with Sartore to obtain the invention as specified in claims 1, 3-7, 9, 11-19, 21, 23, and 25-27.

Response to Arguments

4. Applicant's arguments filed April 26, 2004 have been fully considered but they are not persuasive. Applicant asserts that neither Sartore nor Clarke teach or suggest the claimed method or computer system where the reading is performed over a serial side bus, where the serial side bus is coupled to the host controller and the peripheral device. However, as shown in Fig. 2, Sartore discloses a method or computer system where the reading is performed over a serial side bus (item 60), where the serial side bus is coupled to the host controller (item 52) and the peripheral device (item 54).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna K. Mason whose telephone number is (703) 305-1887. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DKM